

Remarks

Currently, claims 1-3, 5, 7, 12 and 15 are pending. Claims 1, 5, 7 and 15 have been amended. Claims 4, 6, 8-11, and 16-20 have been cancelled. No new matter is added.

The Advisory Action had refused to enter applicants' amendment dated March 5, 2009 because it stated that entering the proposed amendments would require rejoinder of the process and method claims 8 and 16-20. In response, applicants have now cancelled claims 8 and 16-20 rendering this issue moot. The Examiner is respectfully requested to enter the present amendment and issue a notice of allowance.

1. Claim Rejection Under 35 USC 102, first paragraph

Claims 6 and 7 are rejected under 35 USC 112, first paragraph, because the specification, while being enabling for a compound of formula (I) or pharmaceutically acceptable salts of said compound does not reasonably provide enablement for a solvate of a compound of formula (I).

Applicants have now mooted this rejection by removing the term solvate from claims 6 and 7.

a. Claim Objection-Non Elected Subject Matter

Claims 4-6 and 15 were objected to as containing non-elected subject matter. Likewise, claims 1-7, 12, 14 and 15 were objected to because claim 1 contained proviso language that was not related to applicants' elected subject matter.

Applicants have now mooted this rejection by removing the proviso language from claim 1, canceling claims 4 and 6, and amending claims 5 and 15.

Applicants believe the present claims are in condition for allowance and such action is respectfully requested. If the Examiner has any outstanding issues with the pending claims, he is encouraged to telephone the undersigned at (919) 483-8406 for expeditious handling.

Respectfully submitted,



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